

CASE D0187 NP

**CERTIFICATE OF MAILING**

hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Stephen C. D'Amico  
Type or print name

  
Signature

May 1, 2002  
Date

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF

WESTPHAL ET AL.

APPLICATION NO: 10/029,677

FILED: DECEMBER 21, 2001

FOR: NUCLEIC ACID MOLECULES AND POLYPEPTIDES FOR A  
HUMAN CATION CHANNEL POLYPEPTIDE**Attention: Box Missing Parts**Assistant Commissioner for Patents  
Washington, DC 20231**RESPONSE TO NOTICE TO FILE MISSING PARTS**

Sir:

The Notice to File Missing Parts of Application - Filing Date Granted dated March 1, 2002 (a copy of which is enclosed) has a shortened statutory time set to expire on May 1, 2002.


In response, applicants now submit an original or copy of a fully executed Declaration and Power of Attorney. Please charge the \$130 surcharge fee under 37 CFR §1.16(e) to Deposit Account No. 19-3880 in the name of Bristol-Myers Squibb Company.

The Commissioner is hereby authorized to charge any additional fees under 37 CFR §1.17 which may be required, or credit any overpayment, to Account No. 19-3880 in the name of Bristol-Myers Squibb Company.

A duplicate copy of this letter is provided for charging purposes.

Respectfully submitted,

Bristol-Myers Squibb Company  
Patent Department  
P.O. Box 4000  
Princeton, NJ 08543-4000  
(609) 252-5289  
Date: May 1, 2002

  
Stephen C. D'Amico  
Agent for Applicants  
Reg. No. 46,652



## UNITED STATES PATENT AND TRADEMARK OFFICE

MAY 06 2002

 COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20231  
 www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/029,677	12/21/2001	Ryan S. Westphal	D0187 NP

CONFIRMATION NO. 3323

 23914  
 STEPHEN B. DAVIS  
 BRISTOL-MYERS SQUIBB COMPANY  
 PATENT DEPARTMENT  
 P O BOX 4000  
 PRINCETON, NJ 08543-4000

## FORMALITIES LETTER



\*OC000000007560427\*

Date Mailed: 03/01/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**
- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

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*A copy of this notice MUST be returned with the reply.*

*AB*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



The following is an example of an acceptable property rights statement. Statements of this type are, of course, only suitable for situations in which NO Agency funds or other considerations were involved in the making or conception of the invention. While this example is in the form of a declaration, a sworn document is equally acceptable.

I (We) \_\_\_\_\_  
citizens of \_\_\_\_\_  
residing at \_\_\_\_\_  
declare:

That I (we) made and conceived the invention described and claimed in patent application:

Serial Number \_\_\_\_\_ filed in the United States of America on \_\_\_\_\_  
titled \_\_\_\_\_

*(Check and complete either I or II below)*

☐ I. *(For Inventors Employed by an Organization)* That I (we) made and conceived this invention while employed by \_\_\_\_\_. That the invention is related to the work I am (we are) employed to perform and was made within the scope of my (our) employment duties; That the invention was made during working hours and with the use of facilities, equipment, materials, funds, information and services of \_\_\_\_\_. Other relevant facts are \_\_\_\_\_  
(name of employer)

That to the best of my (our) knowledge and belief (and/or) based upon information provided by \_\_\_\_\_  
\_\_\_\_\_ of \_\_\_\_\_:

—OR—

☐ II. *(For Self-Employed Inventors)* That I (we) made and conceived this invention on my (our) own time using only my (our) own facilities, equipment, materials, funds, information and services. Other relevant facts are \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*(Check III and/or IV below as appropriate)*

That to the best of my (our) knowledge and belief:

☐ III. The invention was not made or conceived in the course of, or in connection with, or under the terms of any contract, subcontract or arrangement entered into with or for the benefit of the United States Atomic Energy Commission or its successors: Energy Research and Development Administration or the Department of Energy.

—AND/OR—

☐ IV. The invention was not made (conceived or first actually reduced to practice) under nor is there any relationship of the invention to the performance of any work under any contract of the National Aeronautics and Space Administration.

The undersigned inventor(s) declare further that all statements made herein of his or her (their) own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Inventor's Signature: \_\_\_\_\_

Post Office Address: \_\_\_\_\_

Date: \_\_\_\_\_

Inventor's Signature: \_\_\_\_\_

Post Office Address: \_\_\_\_\_

Date: \_\_\_\_\_